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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PHILIP TZORTZATOS,

Plaintiff,

v.

CAPITAL GENOMIX, INC., A. JOHN
LEONTAKIANAKOS, and SPYRO KROKIDIS,

Defendants.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ **MAR X 8 2007** ★

Case No: 06-CV-~~05387~~ 05387-ILG-KAM
TIME A.M. _____

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff, Philip Tzortzatos, and Defendants, Capital Genomix, Inc. and A. John Leontakianakos, by their respective undersigned counsel, pursuant to Fed. R. Civ. P. 41(a), hereby stipulate and agree that all claims asserted by Plaintiff against these Defendants shall be and are hereby **DISMISSED WITH PREJUDICE**, with each party to bear its own costs.

_____/s/
Brian Kennedy (BK-8588)
Law Office of Brian Kennedy
One Chase Manhattan Plaza, 35th Floor
New York, NY 10005
(212) 687-0099
Attorneys for Plaintiff,
Philip Tzortzatos

_____/s/
Michael S. O'Reilly (MO-4609)
Gibbons P.C.
One Pennsylvania Plaza, 37th Floor
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Attorneys for Defendants,
Capital Genomix, Inc. and
A. John Leontakianakos

SO ORDERED, this 6th day of March, 2007.

Honorable I. Leo Glasser
Senior Judge

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MICHAEL S. O'REILLY
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March 5, 2007

RECEIVED
3/6/07
Chambers of
I. Leo Glasser
U.S.D.J.

VIA FEDERAL EXPRESS

Honorable I. Leo Glasser
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: Philip Tzortzatos v. Capital Genomix, Inc., A. John Leontakianakos and
Spyro Krokidis
Civil Action No. 06-cv-05387 (ILG) (KAM)**

Dear Judge Glasser:

We are attorneys for Defendants Capital Genomix, Inc. and A. John Leontakianakos ("Defendants") in the referenced matter.

Pursuant to Your Honor's Individual Practice Rules, I have enclosed a courtesy copy of a Stipulation of Dismissal with Prejudice dismissing all claims asserted by Plaintiff against Defendants, which was electronically filed with the Court today.

Please have a member of Your Honor's staff contact me if we can be of any assistance to the Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael S. O'Reilly", is written over a horizontal line.

Michael S. O'Reilly

MSO/lvd

Enclosure

cc: Brian Kennedy, Esq. (w/encl.) (attorney for plaintiff) (via regular mail)
Frank J. Mastro, Esq. (w/encl.) (via e-mail)